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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 1188/2024 CM APPL. 63652/2024 CM APPL.
2757/2025

RANVIR SINGHPetitioner

Through: Mr. Ranvir Singh, Advocate.

versus

SH. V SRINIVAS & ANR.Respondent

Through: Mr. Vikam Jeet Banerjee, ASG with
Mr. Rohan Jaitely, CGSC, Mr. Dev
Pratap Singh and Mr. Varun Pratap
Singh, Advocates.

+ CONT.CAS(C) 1202/2024 CM APPL. 63758/2024 CM APPL.
71565/2024

USHA AHUJAPetitioner

Through: Mr. Ranvir Singh, Advocate.

versus

SH. V. SRINIVAS & ANR.Respondent

Through: Mr. Vikam Jeet Banerjee, ASG with
Mr. Rajesh Gogna, CGSC.

+ CONT.CAS(C) 43/2025

ALL INDIA S 30 PENSIONERS ASSOCIATIONPetitioner

Through: Mr. Sunny Choudhary, Advocate.

versus

SHRI V SRINIVAS SECRETARY GOVERNMENT OF INDIA
DEPARTMENT OF PENSION AND PENSIONERS WELFARE
.....Respondent



Through: Mr. Vikam Jeet Banerjee, ASG with
Mr. T.P.S. Singh, SPC Mr. V.
Srinivas, Secretary, Pension, Mr. S.
Ansari, UN, Pension, for UOI.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
08.04.2025

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1. In these matters, wilful disobedience is alleged of orders passed by the Court essentially directing that the pension of pre-2006 retirees would be revised at par with the revised pension of pre-2006 retirees.
2. *Mr. Vikramjit Banerjee*, ASG for the Union of India, appears and states that, in the meantime, the Finance Act 2025, has been passed by the Parliament and notified by a Gazette Notification dated 29th March 2025. **Part IV** of the said Act provides for “*Validation of Central Civil Services (Pension) Rules and Principles for Expenditure on Pension Liabilities from the Consolidated Fund of India*”. Relevant part is extracted as under:

“149. Powers and Authority of Central Government

(1) Without prejudice to the provisions of the pension rules, the Central Government shall have the authority to establish distinctions among pensioners as a general principle.

(2) Having regard to the recommendations of the Central Pay Commission, and subject to such norms, principles and method as may be determined by the Central Government, a distinction may be made or maintained amongst the pensioners, which may emanate from the accepted recommendations of the Central Pay Commissions, and in particular a distinction may be made on the basis of the date of retirement of a pensioner or the



date of operationalisation of an accepted recommendation of a Central Pay Commission.

(3) The Central Government may from time to time lay down such norms, principles and method in regard to acceptance of the recommendations of the Central Pay Commissions including, among other things, distinction among pensioners that may arise out of the acceptance of such recommendation and in particular pension claims and liabilities.

(4) The norms, principles and method of pension revision, as per accepted recommendations of a particular Central Pay Commission, shall be effective from such date as may be determined by the Central Government and the benefit of such accepted recommendation shall not be given effect to from an earlier date.

150. Validation *-Notwithstanding anything contrary contained in any judgment, decree or order of any court, tribunal or authority and notwithstanding anything contained in the pension rules, -*

(a) it is hereby clarified that the Central Government has the authority and shall always deemed to have had the authority, to classify its pensioners, and may create or maintain distinction amongst pensioners as deemed expedient for implementing the recommendations of the Central Pay Commissions under this Part;

(b) it is also clarified that the date of retirement of pensioners shall be the basis of distinctions and for classification in regard to pension entitlement.”

(emphasis added)

3. This is in context of the ***Union of India and Ors v. S-30 Pensioners Association and Ors***. SLP (Civil) no. 29124/2024, in which the Supreme Court passed a judgment obliterating the distinction and proceeded on the premise that the Government lacked authority for providing for such



distinction of the Central Government pensioners based on the date of retirement.

4. In this context, the Act validated decision of the Central Government stating, *inter alia*, in Section 150 that “*the Central Government has the authority and shall always deemed to have the authority to classify its pensioners, and may create or maintain distinction amongst pensioners as deemed expedient for implementing the recommendation of the Central Pay Commissions*”.

5. Accordingly, it is contended that that by virtue of this validating Act, the Central Government has been empowered (even retrospectively) to recognise the distinction in these categories.

6. It is, therefore, submitted by ASG that, in the light of the extant legislation, the High Courts order dated 20th March 2024 is no longer applicable and the Government is not obliged to implement the said order and hence no contempt arises.

7. Taking into account the submissions, in the opinion of this Court, a clarification by the Division Bench of this Court, is necessitated, with regard to the order of 20th March 2024 - as to whether the said Finance Act 2025, shall obliterate and eclipse the orders passed by this Court, thereby giving the authority to the Central Government to recognise and endorse the distinction between the various categories of the pensioners.

8. For this purpose, the matter is referred to the Division Bench, subject to the orders of Hon’ble the Chief Justice.

9. Counsel for petitioner, however, points out to the order of Supreme Court passed on 17th March 2015, where directions were given to the Union of India to comply with the orders. Further, counsel for petitioner points out



the order dated 24th February 2016 passed by the Division Bench of this Court in ***W.P (C) 3832/2012*** which had considered the impact of the orders issued by respondents on the petitioner. Counsel for petitioner also points out to Office Memorandum dated 30th July 2015, where the Government of India had decided to comply with the judicial pronouncement and all pre-2006 pensioners/family pensioners were to be revised accordingly.

10. Notwithstanding these submissions, the issue would have to be considered by the Division Bench regarding the impact and consequence of the Finance Act 2025, on the decision of this Court, of which non-compliance is alleged.

11. Accordingly, the matter is being placed before the Division Bench on 23rd April 2025, subject to the orders of Hon'ble the Chief Justice.

12. This petition is kept pending awaiting the decision of the Division Bench.

13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 8, 2025/RK/tk

Click here to check corrigendum, if any